

HEALTH FACILITY COMMITTEE MEETING
Cannon Health Building, Room 125
9:00 a.m., January 23, 1998

Members Present: Gayle Morawetz; Lou Ann B. Jorgensen; Kathleen Fitzgerald; Travis Jackman; Steven Bateman; Kathy Siskin; Helen Rollins; J. Stephen Anderson; Fay Beck; Michael Stransky.

Members Excused: Patrick Kronmiller, M.D.; Leora Medina.

Staff: Deb Wynkoop-Green; Wendee Pippy; David Eagar; Larry Naylor; Teresa Scheidler; Mark Martin.

The meeting was called to order at 9:05 a.m.

1. Welcome

Dr. Jorgensen welcomed all in attendance.

2. December 19, 1997 Minutes

Dr. Jorgenson stated that a new copy of the minutes were in the packets with some minor corrections from the mailed out version. Ms. Morawetz made a motion to accept the minutes of the December 19, 1997 meeting. Ms. Fitzgerald seconded the motion. The **MOTION PASSED** unanimously.

Dr. Jorgensen stated that with Robert Campbell resigning from the Committee, there was no longer a Vice Chairperson. Ms. Fitzgerald made a motion to elect Ms. Rollins to serve as Vice Chairperson. Mr. Stransky seconded the motion. The **MOTION PASSED** unanimously.

3. Licensure Actions/Sanctions

Mr. Eagar updated the Committee on the Licensure Actions/Sanctions that have been processed since the December meeting. Please see the attached table on sanction actions.

4. Informal Hearings

A. Nursing Care Facility Rule

Ms. Wynkoop-Green stated that the Bureau has received several comments on changing the rules that require Certified Nurse Assistants (CNA) from 16 years of age to 18. Dr. Jorgensen took comments from participants in the audience.

Joan Gallegos, Executive Director of the Utah Health Care Association (UHCA) handed out a letter to the Committee and spoke in opposition of changing the age. Ms. Gallegos stated that “the UHCA is strongly opposed to the move to increase the age requirement

for certified nurse assistants as this would unnecessarily restrict the career ladder of many competent, young individuals seeking work in the long term area.” Ms. Gallegos went on to say that there are many well-qualified 16 and 17 year old CNAs which come to the facilities already certified. Ms. Gallegos stated that the screening of employees should be left up to the facilities and not regulated by the state with the age limit.

Carol Bloswick, Long Term Care Ombudsman is in favor of changing the rule. Ms. Bloswick stated that she met with residents of nursing care facilities to discuss the age of CNAs in nursing care facilities. Ms. Bloswick stated that the residents had some concern with the maturity level of the young CNAs. Ms. Bloswick also stated that residents feel embarrassed to have their personal care needs done by young CNAs. Ms. Bloswick pointed out to the Committee that criminal background checks cannot be performed on employees under the age of 18. Ms. Bloswick suggested the Committee assign a subcommittee to study the age issue of CNAs further.

Heather Betit, Administrator, Rocky Mountain Care Heber Ms. Betit responded to Ms. Bloswick’s comment about the age of the CNAs and personal care. Ms. Betit stated that it doesn’t matter what age the person is providing this type of care to residents, it is always embarrassing for the residents. Ms. Betit also stated that younger staff are easier to train and they are better at taking direction. Ms. Betit is opposed to changing the age because as the rule is currently written, it gives young people an opportunity to train for nursing jobs. Ms. Betit stated that if the rule is changed to age 18, it will be an increased cost to facilities to hire 18 year olds therefore, nursing home rates will increase.

Mr. Stransky asked Ms. Betit what cost and time was involved in completing the CNA training? Ms. Betit responded with the highest cost for the course is \$250.00 with a minimum of 80 hours.

Roger Burton, Uintah Basin Applied Technology is opposed to changing the age. Mr. Burton stated that most people who take the CNA classes are seniors in high school, but some seniors are not 18 years old yet.

Scott Snelsor, State Office of Education is opposed to changing the age.

Ric Toomer, Administrator, Fairview East Care Center is opposed to changing the age.

Marilyn Stewart, CNA Instructor at Cottonwood High School is opposed to changing the age. Ms. Stewart stated that she sent letters to the Bureau several years ago requesting the age be dropped to 16. Ms. Stewart also stated that the students in the CNA class have over 200 hours of instruction and are encouraged to drop the class if they don’t like it from the very beginning.

Ms. Rollins made a motion to reconvene the Nursing Care Facility subcommittee with the above topic as a discussion and have the subcommittee report back to the Health Facility

Committee at the March 27, 1998 meeting. Mr. Stransky seconded the motion. Discussion followed.

Mr. Bateman asked Ms. Blosswick where the concern from the residents came from? Ms. Blosswick responded that it came from a meeting with the Coalition of Care Centers which is residents who represent residents in facilities.

Mr. Anderson stated that Ms. Blosswick raised some good concerns on dignity. Mr. Anderson suggested the subcommittee consider 2.8 percent unemployment and there is a high turnover in nurses. The cost of nursing assistants has raised 14 percent in the last two years.

Ms. Wynkoop-Green suggested that the subcommittee be expanded to add an educator of Certified Nurse Assistants. Dr. Jorgenson suggested the subcommittee review what the components are for testing.

The **MOTION PASSED** unanimously.

B. Hospice Inpatient Care Rules

Ms. Rollins stated that after the rules were presented at the Committee meeting in December, the Utah Hospice Organization met and proposed some changes to the subcommittee. Ms. Rollins made a motion to accept the rules as revised. Ms. Fitzgerald seconded the motion. The **MOTION PASSED** unanimously.

5. Proposed Rule Change to use Medicaid/Medicare Survey Findings in Lieu of Licensing Survey

Mr. Eagar reported on a proposed rule change to add to R432-3-9 a section called Medicare/Medicaid Certification. Mr. Eagar stated that this rule addition would outline the coordination between the Bureau of Licensing and the Bureau of Medicaid/Medicare Program Certification to increase efficiencies when regulating the health care facilities defined in the statute. Mr. Eagar explained the rule defines the authority for the Bureau of Licensing to accept and assesses chronic and continuous noncompliance determinations using surveys completed by the Bureau of Medicaid/Medicare Program Certification.

Ms. Rollins made a motion to have the rule sent to the impacted industry so they have a chance to respond and bring the rule back to the Health Facility Committee in March for an informal hearing. Ms. Jackman seconded the motion. The **MOTION PASSED** unanimously.

6. Rule Filings

Ms. Pippy reported on the status of the rules that have been filed.

Rule number	Rule Title	Proposed Effective Date
R432-750	Hospice Agency	2/18/98
R432-102	Specialty Hospital/Chemical Dependency	2/18/98
R432-16	Hospice Construction	2/18/98
R432-550	Birthing Centers	2/18/98
R432-600	Abortion Clinic	2/18/98
R432-700	Home Health Agency	2/18/98
R432-152	Intermediate Care for the Mentally Retarded Rule	3/18/98
R432-100	General Acute Hospital	Sent to attorney's office for review
R432-1	General Health Care Facility Rules (ID Badges)	Sent to attorney's office for review
R432-151	Mental Disease Facility Rules	Five Year Review - Filed

7. Legislative Issues

Ms. Wynkoop-Green reported on legislative issues that affect the Bureau. Ms. Wynkoop-Green stated that the Bureau of Licensing budget is up for approval today at 2:00 p.m. Ms. Wynkoop-Green stated that the additional staff requested by the Bureau was approved by the Governor.

Ms. Wynkoop-Green stated that there is a bill that would change the definition of assisted living facilities and residential health care facilities to "Residential Assisted Living Facilities" and combine the two categories into one.

Ms. Wynkoop-Green reported on a bill that would require background checks be conducted on employees of Home Health Agencies. Ms. Wynkoop-Green stated that there is also a proposed bill that would require all direct care staff and health care professionals to undergo background checks through the Department of Commerce.

8. Other Items

John Williams of the Utah Health Policy Commissions Long Term Care Advisory Committee asked the Committee members if they would be interested in using one of their future meetings to discuss the integration of long term care.

Mr. Bateman made a motion that the Committee accept Mr. William's invitation for a discussion on the integration of long term care. Mr. Anderson seconded the motion. The **MOTION PASSED** unanimously.

Mr. Williams asked that names of people who would be interested in participating in the discussion be given to him. Mr. Williams can be reached at 538-9269.

The next meeting is scheduled for March 27, 1998 at 9:00 a.m. in conference room 125 of the Cannon Health Building.

The meeting adjourned at 10:50 a.m.

Lou Ann B. Jorgensen, Chairperson

Debra Wynkoop-Green, Executive Secretary